

12/08/05 17:03 FAX 781 674 0002

MEDISPECTRA

002

PATENT
Attorney Docket No. MDS-022C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Nordstrom *et al.* CONFIRMATION NO. 1037
SERIAL NUMBER: 10/071,932 GROUP NUMBER: 3737
FILING DATE: February 8, 2002 EXAMINER: Roy, Baisakhi
TITLE: A SPECTROSCOPIC SYSTEM EMPLOYING A PLURALITY OF
DATA TYPES

Terminal Disclaimer

I, ROSS FLEWELLING, residing at 15 ORINDA VISTA DR, OAKLAND CA 94605,

state that I am a representative authorized to sign on behalf of MediSpectra, Inc., identified below as the assignee of the entire right, title and interest in and to the above-identified patent application, U.S. Serial No. 10/071,932. I have reviewed all the evidentiary documents accompanying or referred to in the instant Terminal Disclaimer and certify that, to the best of my knowledge and belief, title to the above-identified application is in the name of MediSpectra, Inc.

MediSpectra, Inc., of 45 Hartwell Avenue, Lexington, Massachusetts 02421, is the assignee of the entire right, title and interest in and to the above-identified application, 10/071,932, by virtue of an assignment from the inventors to MediSpectra, Inc., that was recorded in the United States Patent and Trademark Office at Reel 013994, Frame 0881, on April 29, 2003.

MediSpectra, Inc., hereby waives and disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the full statutory term of U.S. Patent No. 6,385,484, which issued from U.S. Serial No. 09/738,613, on May 7, 2002, the application having been filed on December 15, 2000, and hereby agrees that any patent so granted on U.S. Serial No. 10/071,932 shall be enforceable only for and during such period that the patent is commonly owned with U.S. Patent No. 6,385,484. This agreement runs with any patent granted on the instant application and is binding upon the Assignee, its successors or assigns.

Terminal Disclaimer
U.S. Serial No. 10/071,932
Page 2 of 2

MediSpectra, Inc., does not disclaim any terminal part of the term of any patent granted on the instant application prior to the expiration date of the full statutory term of U.S. Patent No. 6,385,484 in the event that U.S. Patent No. 6,385,484 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a re-examination certificate, is reissued, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made in the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

MediSpectra, Inc.

By

Ross Flewelling

Name

ROSS FLEWELLING

Title

V.P. + CHIEF TECH. OFFICER

Date

8-DEC-05